

Application No.: 10/802,345

Attorney Docket No.: 59599US002

REMARKS

Claims 1 to 18 are currently pending in the application. Applicant amends claims 1, 9, 11 and 15. Support for the amendments may be found throughout the application as filed, including from page 3, line 16 to page 4, line 14. The amendments are offered to clarify the language of the claims and are provided without any intent to alter the scope of the claimed invention.

Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejects claims 1-3, 5, and 9-18 under 35 USC § 102(b) as anticipated by U.S. Patent No. 6,259,990 (Shojima et al.). With respect to independent claims 1, 9, 11 and 15 and dependent claims 12-13 and 17-18, the Examiner asserts the claimed features are found in the disclosure of the '990 reference as follows:

- "1) the position marker is met by the stationary installation marker (3);
- 2) the locating device for locating the position marker is met by the route guidance apparatus (2);
- 3) the GPS device coupled to the locating device GPS receiver (209);
- 4) the electronic memory for storing a data record associating GPS coordinate data with located position marker is met by the data storage part for recording communication data for storage (see: column 4, lines 1-7);
- 5) the locating circuitry is met by the receiver (210) which locates the marker by receiving beams emitted by the marker (see: column 4, lines 17-19)." (Office Action at page 2).

With respect to rejected dependent claims 2-3, 14 and 16, the Examiner asserts the claimed features relating to a computer for running a mapping application and updating mapping application from received data records stored in the electronic memory is met in the disclosure of the '990 by the information navigation part (203, column 4, lines 7-15). With respect to dependent claim 5, the Examiner points to the beam receiver (210) of the apparatus (2) receiving direction information from the marker (3) (col. 4, lines 15-19) as disclosing a locating device reading marker data from the position marker. (Office Action at page 3).

Applicant respectfully traverses the rejection. Applicant notes that although the Office Action indicates the rejection of dependent claim 10, no written explanation for the basis of its rejection is provided. Applicant respectfully requests clarification of the status of claim 10.

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Applicant submits a proposed amendment to independent claims 1, 9, 11 and 15 that clarifies the relationship between the recited GPS coordinate data and the position marker. Specifically, the claim language more clearly indicates that the GPS coordinate data is obtained to indicate the position of the marker. The '990 patent fails to teach or disclose at least this feature.

The '990 patent discloses a networked system for directing a pedestrian along a predetermined route. The system is designed ostensibly to supplement or complement traditional GPS-guided car navigation systems by providing guidance and routing capabilities inside buildings and other enclosures where, the reference notes, GPS systems are incapable of use. (*See, e.g.*, col. 5, lines 22-26). The '990 system generally comprises: (1) a central information providing apparatus that receives a pedestrian's current position and intended destination, computes a route and sends the route information back to the pedestrian; (2) a route guidance apparatus carried by a pedestrian user which allows the user to input information into and receive information from the system; and (3) one or more markers installed at building locations that provide directional information to the route guidance apparatus. (*See, e.g.*, col. 3, lines 30-45). The route guidance apparatus may include a GPS receiver for recording a *pedestrian's current position* along a predetermined route. (col. 4, lines 14-15). To aid in route determination where GPS data alone is insufficient (*i.e.*, inside buildings and other enclosures), the guidance apparatus may also include means for receiving directional information from the route markers. (col. 4, lines 13-19; col. 5, lines 18-26).

The GPS receiving capabilities of the route guidance apparatus disclosed in the '990 reference (which the Examiner equates to the locating device of the claimed invention) are fundamentally distinct from the use of GPS data recited in the rejected claims. The systems of the '990 reference do not use GPS data to indicate or record the location of the described stationary directional markers; rather, the '990 reference teaches the use of GPS data to indicate the position of a user of the described route guidance apparatus, irrespective of the position of the stationary directional markers. In contrast, the rejected claims recite systems and methods that use GPS data specifically to indicate and store information indicating the position of position markers. This is a feature that is simply not disclosed or suggested by the '990 reference. In fact, the very need for the stationary directional markers of the '990 patent stems from an inability to reliably use GPS data near the very places where the markers are installed. (col. 5, lines 18-26). Thus, far from anticipating the present claims, this disclosure actually teaches away from the invention they embody.

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Because, as indicated above, the subject matter of claims 1-3,5, and 9-18 are not anticipated by the disclosure of the '990 reference, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejects dependent claims 4 and 6-8 under 35 USC § 103(a) as rendered obvious over the disclosure of U.S. Patent No. 6,259,990 (Shojima et al). To support the rejection, the Examiner asserts that the additional elements described in the rejected claims would have been obvious to one ordinarily skilled in the art in light of the alleged anticipation of the subject matter of the claims upon which they depend.

Applicant respectfully offers the following traversal. Although Applicant does not necessary agree with the Examiner's assertion as to the obviousness of the additionally recited subject matter in the rejected claims, as argued above, the subject matter of independent claim 1 (from which each of the rejected claims depends) is patentable over the '990 reference. Since any claim depending from a claim covering patentable subject matter is necessarily also patentable, Applicant respectfully asserts that there is no basis upon which to reject claims 4 and 6-8 under as obvious over the '990. Applicant therefore also requests reconsideration and withdrawal of this rejection.

In view of the above, Applicant respectfully submits that the application is in condition for allowance, and reconsideration is therefore requested.

Respectfully submitted,

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Date

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